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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ORACLE USA, INC., a Colorado corporation; ORACLE AMERICA, INC., a Delaware corporation; and ORACLE INTERNATIONAL CORPORATION, a California corporation,

Plaintiffs,

V.

RIMINI STREET, INC., a Nevada corporation; and SETH RAVIN, an individual,

Defendants.

Case No. 2:10-cv-00106-LRH-VCF

**JOINT MOTION TO SEAL
PORTIONS OF JOINT PROPOSED
DISCOVERY PLAN RE:
INJUNCTION AND EXHIBIT 7
THERETO**

JOINT MOTION TO SEAL

Pursuant to the Stipulated Protective Order governing confidentiality of documents entered by the Court on May 21, 2010, ECF No. 55 (“Protective Order”), and Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Rimini respectfully requests that the Court order the Clerk of the Court to file under seal certain portions of the parties’ Joint Proposed Discovery Plan Re: Injunction and Exhibit 7 thereto. This Court has regularly granted motions to file under seal similar information, both in *Rimini I* and *Rimini II*. See, e.g., ECF Nos. 226, 325, 518, 904, 990, 1107; see also *Rimini II*, Case No. 2:14-cv-1699, ECF Nos. 127, 137, 222, 280–282, 287, 333–334, 371, 391, 434–436, 602, 625–628, 760–768, 836–849, 1122, 1191.

Oracle takes no position on whether disclosing the unredacted portions of the Joint Proposed Discovery Plan and Exhibit 7 publicly would cause Rimini harm. The statements herein characterizing the confidentiality or importance of the information in the parties' Joint Proposed Discovery Plan and Exhibit 7 thereto are Rimini's alone, and Oracle takes no position on them.

I. ARGUMENT

Federal Rule of Civil Procedure 26(c) provides broad discretion for a trial court to permit sealing of court documents for, inter alia, the protection of “a trade secret or other confidential research, development, or commercial information.” Fed. R. Civ. P. 26(c). Rimini has designated as highly confidential certain information found in the parties’ Joint Proposed Discovery Plan and Exhibit 7 thereto because this information constitutes confidential information about Rimini’s proprietary processes.

A. Highly Confidential Information about Rimini's Proprietary Processes

Rimini moves to seal proprietary information regarding the ways in which Rimini provides services to its clients and runs its business operations. This information is reflected in portions of the Joint Proposed Discovery Plan, as well as the Exhibit 7 thereto.

Under the Protective Order, “all non-public information” regarding “proprietary technical information and specifications” is properly designated confidential, and “extremely sensitive . . . non-public information” including trade secrets are properly designated as highly

1 confidential. The parties' Joint Proposed Discovery Plan and Exhibit 7 thereto contain
 2 information regarding Rimini's proprietary technical support processes and tools. Disclosure
 3 of this information would provide Rimini's competitors with a competitive advantage,
 4 disclosing trade secrets that would allow Rimini's competitors to adopt methods that have made
 5 Rimini successful, and more easily allow them to compete in the third-party software service
 6 marketplace. *See Hologram USA, Inc. v. Pulse Evolution Corp.*, 2015 WL 105793, at *2 (D.
 7 Nev. Jan. 7, 2015) (granting motion to seal where documents "contain[ed] information that
 8 could injure Plaintiffs' competitive posture in the . . . industry"); *Spectrum Pharm. Inc. v.*
 9 *Sandoz Inc.*, 2014 WL 4202540, at *2 (D. Nev. Aug. 21, 2014) (granting motion to seal where
 10 documents contained "proprietary, business practice, trade secret, and technical information
 11 that could injure the parties' competitive posture"); *Clark v. Metro. Life Ins. Co.*, 2010 WL
 12 1006823, at *1 (D. Nev. Mar. 16, 2010) (granting motion to seal materials that would "bring
 13 attention to MetLife's confidential internal business deliberations, organization, and
 14 capabilities").

15 This Court has previously granted motions to file under seal portions of documents
 16 containing this type of confidential information. *See, e.g.*, ECF Nos. 226, 325, 518, 904, 990,
 17 1107; *see also Rimini II*, Case No. 2:14-cv-1699, ECF No. 627. Sealing references to Rimini's
 18 proprietary information will not frustrate the public's visibility into the judicial process because
 19 Rimini requests the targeted sealing of particularly sensitive information and leaves all other
 20 documents unsealed.

21 II. CONCLUSION

22 For the foregoing reasons, Rimini respectfully requests that the Court grant leave to file
 23 under seal the parties' Joint Proposed Discovery Plan and Exhibit 7 thereto.

1 Dated: May 6, 2019

2 GIBSON, DUNN & CRUTCHER LLP

3 By: /s/ Eric D. Vandevelde
4 Eric D. Vandevelde

5 *Attorneys for Defendants*
6 *Rimini Street, Inc. and Seth Ravin*

7 Dated: May 6, 2019

8 BOIES SCHILLER FLEXNER LLP

9 By: /s/ Beko Reblitz-Richardson
10 Beko Reblitz-Richardson

11 *Attorneys for Plaintiffs Oracle USA, Inc., Oracle*
12 *America, Inc., and Oracle International*
13 *Corporation.*

14 **ATTESTATION OF FILER**

15 The signatories to this document are Eric Vandevelde and me, and I have obtained Mr.
16 Vandevelde's concurrence to file this document on his behalf.

17 Dated: May 6, 2019

18 BOIES SCHILLER FLEXNER LLP

19 By: /s/ Beko Reblitz-Richardson
20 Beko Reblitz-Richardson

CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused to be electronically uploaded a true and correct copy in Adobe “pdf” format of the above document to the United States District Court’s Case Management and Electronic Case Filing (CM/ECF) system. After the electronic filing of a document, service is deemed complete upon transmission of the Notice of Electronic Filing (“NEF”) to the registered CM/ECF users. All counsel of record are registered users.

Dated: May 6, 2019

By: /s/ Ashleigh Jensen
Ashleigh Jensen